

STATE OF SOUTH CAROLINA)	BEFORE THE SOUTH CAROLINA
)	DEPARTMENT OF HEALTH AND
COUNTY OF HAMPTON)	ENVIRONMENTAL CONTROL
)	
IN RE: Safety Disposal Systems of)	ADMINISTRATIVE ORDER
South Carolina, Inc.)	01-12-A
100 Nix Street)	01-06-HW
Hampton, SC 29924)	01-03-SW

The South Carolina Department of Health and Environmental Control ("Department"), based upon the following findings of facts and conclusions of law, has found Safety Disposal Systems of South Carolina, Inc., Hampton, South Carolina ("SDS"), to be in chronic violation of South Carolina law and Federal and State regulations. The Department has attempted without success to resolve these non-compliance issues including at least four prior Consent Orders. Consequently, the Department hereby directs SDS to comply with the requirements of this Administrative Order.

FINDINGS OF FACT

WHEREAS the Department makes the following findings of fact:

Air Quality

1. SDS owns and operates a medical/commercial waste incineration facility located in Hampton, South Carolina (formerly owned by Chambers Medical Technologies of South Carolina, Inc. ["Chambers"]). The facility includes three separate incineration units sharing a common pollution control system. Due to the size of the facility and nature of its operation the incinerators are subject to Federal New Source Performance Standards (NSPS) and the Federal Part 70 Title V Operating Permit program.
2. During inspections conducted in 1992 and 1993 the Department noted numerous violations of

State and Federal regulations. The Department issued a Notice of Violation and a Notice of Enforcement Conference for the above violations on January 27, 1993.

3. Chambers entered into Consent Order #93-037-A, executed on July 26, 1993, which required the facility, *inter alia*, to maintain all incinerator exhaust and temperature monitors and associated waste feed interlocks (procedures or devices which automatically interrupt and disable the waste charging cycle) in accordance with applicable regulations and permit requirements, and to pay a civil penalty of \$25,000.00.

4. During inspections conducted in 1993, 1994, and 1995, the Department noted numerous violations of State and Federal regulations. The Department issued Notices of Violation and Notices of Enforcement Conference for these violations on October 24, 1994; January 13, 1995; January 27, 1995; February 9, 1995; February 21, 1995; May 3, 1995; June 19, 1995; July 20, 1995; August 14, 1995; and August 21, 1995.

5. Chambers entered into Consent Order #95-84-A, executed on September 27, 1995, which required the facility, *inter alia*, to maintain opacity, gas, and temperature monitors so that the automatic waste feed interlock system remained operational at all times, and to pay a civil penalty of \$85,000.

6. SDS submitted to the Department a notice of ownership transfer from Chambers to SDS on September 11, 1996. The transfer was completed on October 15, 1996. As part of the transfer, SDS assumed Operating Permit #1280-0021 and all associated construction permits, consent orders, and requirements issued to the facility by the Department.

7. During inspections conducted in 1995, 1996, 1997, and 1998, the Department noted numerous violations of State and Federal regulations. The Department issued Notices of Violation and Notices of Enforcement Conference for these violations on March 7, 1997; July 28, 1997; August 7, 1997;

September 30, 1997; and January 29, 1998.

8. A fire at SDS on June 1, 1997, resulted in the Department's requiring SDS to cease operation temporarily. SDS was required to submit to the Department a restart plan prior to resuming operation of the incinerators. On June 25, 1997, the Department approved the restart plan and allowed SDS to resume operation.

9. SDS entered into Consent Order #98-34-A, executed on May 26, 1998, which required SDS, *inter alia*, to immediately and henceforth operate and maintain the hopper fire suppression system to ensure that any fires or smoldering waste inside the hoppers or outside the incinerator units be extinguished immediately, and to pay a civil penalty of \$55,000.

10. SDS stopped operating incineration Unit #3 in November 1998 and has not restarted the unit. The operational capacity of the facility was cut by one-third. SDS had included the three incineration units in its Part 70 Air Quality Permit application.

11. The Department issued Part 70 Air Quality Permit TV-1280-0021 (Title V permit) to SDS on July 14, 1999. The Title V permit became effective on July 29, 1999, and superseded the previous operating permit.

12. The Title V permit and State regulations, as well as Consent Orders #93-037-A and 95-84-A, include requirements to conduct Continuous Emissions Monitoring (CEM) for Carbon Dioxide (CO₂), Oxygen (O₂), Carbon Monoxide (CO), and opacity. The Title V permit and State regulations, as well as Consent Orders #93-037-A and 95-84-A, also require continuous temperature monitoring for the gases exiting the incinerator tertiary chambers.

13. The Title V permit and State regulations, as well as Consent Orders #93-037-A and 95-84-A, also require the incinerators to have, and maintain in working order, an automatic interlock system which prevents charging of waste if any of the required monitoring equipment is not functioning or if the equipment indicates that emissions are excessive.

14. Until May 26, 2000, SDS was required by State regulation to recertify the CEM's annually according to U.S. Environmental Protection Agency (EPA) NSPS Regulation 40 CFR 60 Appendix B. After May 26, 2000, a change in the State regulation required annual recertification according to the manufacturer's specifications.

15. On June 22, 2000, Department personnel determined that the CO monitor had been removed for repair.

16. SDS continued to charge waste to the incinerator after the CO monitor was removed. The waste charging cycle should have been automatically interrupted and disabled when the monitor was removed. Continued charging demonstrates the waste feed interlock was not performing as required by the Title V permit and State regulations, as well as Consent Orders #93-037-A and 95-84-A.

17. On July 12, 2000, the CO monitor was reinstalled without having been repaired. Installation of the defective monitor should have automatically interrupted and disabled the waste charging cycle. Continued charging demonstrates the waste feed interlock was not performing as required by the Title V

permit and State regulations, as well as Consent Orders #93-037-A and 95-84-A.

18. On July 14, 2000, the Department contacted SDS to discuss the continued operation of the facility without the required monitor functioning properly. During that discussion it was determined that the CO₂ monitor had also malfunctioned but was then operating. SDS agreed to cease operation of the facility until the required monitoring could be conducted in compliance with the Title V operating permit and State regulations.

19. On July 20, 2000, SDS restarted the incinerators with the monitors functioning as required by its permit and the State regulations.

20. On July 25, 2000, Department personnel discovered the CO₂ monitor was not functioning properly. A review of facility records revealed that since July 22, 2000, the gas canister used for autocalibration had been empty, making the required monitor calibration inaccurate.

21. An inspection conducted by Department personnel on September 13, 2000, documented that the spark rate indicators for the electrostatic precipitator (ESP) fields 2B and 3B were not present. The Title V permit requires that the spark rate for each ESP be recorded hourly. The absence of the spark rate indicators precludes SDS's compliance with the Title V permit condition.

22. Department records indicate SDS has failed to submit numerous reports as required by the Title V operating permit. The reports include:

A. Charge rates for tires, medical waste, and special waste, calculated in million Btu/day. Quarterly reports for third and fourth quarter 1999, and first, second, third, and fourth quarter 2000, have not been submitted as required.

B. Certification of Compliance with O&M Plan. Quarterly reports for third and fourth quarter 1999, and first and fourth quarter 2000, have not been submitted as required.

C. Acid Gas System Operation Certification. Quarterly reports for third and fourth quarter 1999, and first and fourth quarter 2000, have not been submitted as required.

D. Electrostatic Precipitator Operation Certification. Quarterly reports for third and fourth quarter 1999, and first and fourth quarter 2000, have not been submitted as required.

E. Combustion Efficiency Exceedances. Quarterly reports for third and fourth quarter 1999, and first, second, third, and fourth quarter 2000, have not been submitted as required.

F. Ash Quality Carbon Content. Annual report for July 29, 1999, through July 28, 2000, was not submitted as required.

G. Annual Certification for the Title V permit. Annual report for July 29, 1999, through July 28, 2000, was not submitted as required.

H. Unit #1 Temperature Exceedances. Quarterly report for fourth quarter 2000 was not submitted as required.

I. Unit #2 Temperature Exceedances. Quarterly report for fourth quarter 2000 was not

submitted as required.

J. Unit #3 Temperature Exceedances. Quarterly reports for third and fourth quarter 1999, and first, second, third, and fourth quarter 2000, have not been submitted as required.

K. CO₂ Monitor Downtime. Quarterly reports for third and fourth quarter 1999, and first, second, third, and fourth quarter 2000, have not been submitted as required.

L. O₂ Monitor Downtime. Quarterly reports for third and fourth quarter 1999, and first, second, third, and fourth quarter 2000, have not been submitted as required.

M. Opacity Excursions and Monitor Downtime. Quarterly report for fourth quarter 2000 was not submitted as required.

N. CO Excursions and Monitor Downtime. Quarterly report for fourth quarter 2000 was not submitted as required.

23. On October 18, 2000, the Department issued SDS a Notice of Violation and a Notice of Enforcement Conference based upon the findings of fact numbered 11 through 22. On October 24, 2000, SDS attended an Enforcement Conference at the Department to discuss the Notice of Violation.

24. On October 19, 2000, the Department issued SDS an invoice for \$1,980.00 for Title V operating permit fees, as required by State regulation, to cover operation for the 2001 fiscal year. SDS has not paid these fees despite the fact that the Department has sent three reminders to SDS. This fee account is now more than 90 days past due.

25. On November 29, 2000, Department personnel conducted an inspection at SDS. Excessive fugitive emissions were observed exiting the door at the front of the building. The emissions were emanating from fires in the hopper area of both of the operable incineration units. These are not permitted

emission points, and proper operation and maintenance should prevent these emissions from occurring. Also during the inspection, it was noted that the spark rate indicators for ESP fields 2B and 3B were not present. The spark rate indicators were initially noted to be missing during the September 13, 2000, inspection. It was also observed during the inspection that debris containing plastics and other material was burning at the exit of the incinerator outside of the incineration unit. The Title V permit prohibits the burning of waste outside of the incineration chamber.

26. On December 12, 2000, Department personnel conducted an inspection at SDS. Excessive fugitive emissions were observed exiting the hopper area of the two incineration units. During the inspection, Department staff discovered discrepancies in the data compiled for required quarterly reports. On the CO report, an exceedance reading 159.8 ppm, which occurred on September 27, 2000, was omitted. On August 24, 2000, the facility reported an opacity exceedance for a duration of 6 minutes. The actual duration after review of the strip charts was 12 minutes. An opacity exceedance on August 26, 2000, was omitted. Also, an opacity exceedance occurring on August 29, 2000 was reported as 12 minutes. A review of the strip chart showed the exceedance lasted 24 minutes.

27. On February 7, 2001, Department personnel conducted an inspection at SDS. Department personnel discovered the sorbant feed system fan for the acid gas scrubber system was not operating. Operation and maintenance of the acid gas scrubber system is required by the Title V permit.

Infectious Waste

28. On November 26, 1991, SDS submitted to the Department an Infectious Waste Treatment Permit application, including a facility closure plan. The application has been revised several times at the request of the Department.

29. During inspections conducted on October 29 and 30, 1997, the Department observed areas of the

facility where blood had leaked from improperly managed containers. The Department issued a Notice of Violation and Enforcement Conference to SDS on December 9, 1997, for these violations.

30. During an inspection conducted on December 9, 1997, the Department observed containers of infectious waste which had been improperly transported by SDS. The Department issued a Notice of Violation and Enforcement Conference on December 22, 1997.

31. SDS entered into Consent Order #98-25-HW, executed on June 16, 1998, which required SDS to submit to the Department documentation of newly instituted disinfection procedures to prevent tracking of spilled infectious waste at the facility and to pay a civil penalty in the amount of \$22,500.00. SDS paid the civil penalty in full.

32. The Department requires SDS, as a commercial treatment facility of infectious waste in the State of South Carolina, to remit a fee of \$30.00 per ton of infectious waste treated for the first 1,500 tons in a month and \$8.00 per ton in excess thereof. This fee is due on or before the tenth day of the subsequent month.

33. The Department assigned to SDS an onsite compliance inspector to assure the protection of the health and safety of the public. SDS is required to pay an additional fee of \$4.00 per ton of infectious waste treated to cover the costs of implementing this inspection program. This fee is also due by the tenth day of the subsequent month.

34. On September 19, 1999, SDS informed the Department that recent financial hardships prohibited it from remitting fee payments by the deadline stated in the Infectious Waste Management Act. At that time, the Department agreed to allow SDS to remit fee payments no more than thirty (30) days after the due date. SDS would be assessed a one (1) percent penalty on these payments calculated on the total of the infectious waste and inspector fees for the month.

35. On December 1, 1999, SDS and the Department entered into Consent Order 99-52-IW requiring SDS to pay past-due June, July, and August 1999 fees, including interest at the rate of one percent a month calculated on the full amount due to the Department. The total amount due to the Department (\$121,759.34) was to be paid in six (6) equal installments and was to be included with the submission of monthly fee payments beginning on or before October 10, 1999, and ending no later than March 10, 2000. SDS fulfilled the requirements of Consent Order 99-52-IW.

36. During March 2000, SDS treated 1394.94 tons of infectious waste. The total amount of fees due to the Department on or before May 10, 2000, including a one (1) percent penalty for late payment, was \$47,902.24. On May 11, 2000, the Department received a fee payment from SDS in the amount of \$47,427.96. The one (1) percent penalty, in the amount of \$474.28, was not included with the fee payment. To date, the Department has not received the \$474.28 penalty payment.

37. On October 5, 2000, SDS and the Department entered into Consent Order 00-28-HW requiring SDS to pay past-due May, June, and July 2000, infectious waste and inspector fees including interest at the rate of one percent a month calculated on the full amount due to the Department. The total amount due (\$106,389.14) was to be paid in four (4) equal monthly installments and was to be included with the submission of monthly fee payments beginning no later than October 10, 2000, and ending no later than January 10, 2001. To date, the Department has not received any installment payments.

38. During August 2000, SDS treated 1174.45 tons of infectious waste. The total amount of fees due to the Department on or before October 10, 2000, including a one (1) percent penalty for late payment, was \$40,330.61. To date, the Department has not received payment for August 2000 fees.

39. During September 2000, SDS treated 1214.33 tons of infectious waste. The total amount of fees due to the Department on or before November 10, 2000, including a one (1) percent penalty for late

payment, was \$41,700.09. To date, the Department has not received payment for September 2000 fees.

40. During October 2000, SDS treated 1561.95 tons of infectious waste. The total amount of fees due to the Department on or before December 10, 2000, including a one (1) percent penalty for late payment, was \$52,260.83. To date, the Department has not received payment for October 2000 fees.

41. During November 2000, SDS treated 1637.85 tons of infectious waste. The total amount of fees due to the Department on or before January 10, 2001, including a one (1) percent penalty for late payment, was \$53,180.74. To date, the Department has not received payment for November 2000 fees.

42. During December 2000, SDS treated 1271.89 tons of infectious waste. The total amount of fees due to the Department on or before February 10, 2001, including a one (1) percent penalty for late payment, was \$43,676.70. To date, the Department has not received payment for December 2000 fees.

43. To date SDS has failed to pay \$337,538.11 in infectious waste and inspector fees and associated penalties.

44. On August 2, 2000, the Department conducted an inspection of the SDS facility to determine its compliance with the South Carolina Infectious Waste Management Regulations, 25 S.C. Code Ann. Regs. 61-105 (Supp. 2000), promulgated pursuant to the South Carolina Infectious Waste Management Act, S.C. Code Ann §44-93-30 (Supp. 2000). The following regulatory violations were noted:

- a. Nine (9) infectious waste trailers had been stored for greater than fourteen (14) days without refrigeration.
- b. Two (2) trailers contained infectious waste in a putrescent state.

45. The Department issued a warning letter on August 3, 2000, requiring SDS to immediately process, refrigerate, or move off site all noncompliant infectious waste trailers noted during the August 2, 2000, inspection.

46. On September 21, 2000, the Department issued SDS a Warning Letter for violations noted during a September 20, 2000, Infectious Waste Compliance Inspection. During the inspection, Department staff observed capped needles on the tipping floor underneath and around trailers being unloaded. The Warning Letter required SDS to clean up spilled infectious waste immediately.

47. On December 11, 2000, SDS requested to use the trailer tipper for unloading of infectious waste trailers. The Department denied the request on December 15, 2000.

Solid Waste

48. SDS submitted a municipal solid waste incinerator permit application to the Department on July 12, 2000, pursuant to S.C. Code Ann. Regs. 61-107.12, Solid Waste Incineration and Solid Waste Pyrolysis Facilities. The SDS facility is subject to the requirements of the aforementioned regulation with regard to solid waste activities.

49. Letters from the Department to SDS dated July 18, August 24, and November 15, 2000, each notified SDS that its permit application failed to contain the necessary elements to be deemed administratively complete. The application may not be reviewed on its technical merits while it is administratively incomplete.

50. SDS has an ongoing history of non-compliance with South Carolina Pollution Control Act, S.C. Code Ann. §§ 48-1-10, *et seq.* (1976), the South Carolina Infectious Waste Management Act §§ 44-93-10, *et seq.* and the Environmental Protection Fund Act §§ 48-2-10, *et seq.*, such that its ability to operate within the law is questionable.

CONCLUSIONS OF LAW

WHEREAS the Department concludes:

Air Quality

1. SDS has violated the South Carolina Pollution Control Act, S.C. Code Ann. §48-1-110(d)(Supp. 2000) in that SDS repeatedly failed to maintain the CEM's so that the automatic waste feed interlock system was operational at all times, even after it was ordered to comply in Consent Orders #93-037-A and #95-084-A.
2. SDS has violated the U.S. EPA 40 CFR 60.11(d), *Compliance with Standards and Maintenance Requirements*, in that SDS failed to maintain and operate an affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.
3. SDS has violated the South Carolina Pollution Control Act, S.C. Code Ann. §48-1-110(d)(Supp. 2000), in that SDS violated the terms of Title V operating permit #TV-1280-0021 in that SDS did not complete required reports and submit them to the Department.
4. SDS has violated the South Carolina Pollution Control Act, S.C. Code Ann. §48-1-110(d)(Supp. 2000), in that SDS violated the terms of Title V operating permit #TV-1280-0021 in that the spark rate indicators were not maintained as required by the permit.
5. SDS has violated the South Carolina Pollution Control Act, S.C. Code Ann. §48-1-110(d)(Supp. 2000), in that SDS violated the terms of Title V operating permit #TV-1280-0021 in that SDS allowed the burning of waste outside of the incinerators.

6. SDS has violated the South Carolina Air Pollution Control Regulation, S.C. Code Ann. Regs. 61-62.5, Standard No. 3.1 (prior to May 26, 2000), in that SDS failed to certify its CEM's annually using the EPA performance standard.
7. SDS has violated the South Carolina Air Pollution Control Regulation, S.C. Code Ann. Regs. 61-62.5, Standard No. 3.1 (after May 26, 2000), in that SDS failed to certify its CEM's annually using the manufacturer's specifications.
8. SDS has violated the South Carolina Pollution Control Act, S.C. Code Ann. §48-1-110(d)(Supp. 2000), in that SDS violated the terms of Title V operating permit #TV-1280-0021 in that SDS failed to maintain the acid gas scrubber system.
9. SDS has violated the terms of Consent Order #95-084-A by failing to maintain the acid gas scrubber system.
10. SDS has violated the terms of Consent Order #98-034-A by failing to maintain the hopper fire suppression system to ensure that any fires or smoldering wastes were extinguished immediately.
11. SDS has violated the South Carolina Pollution Control Act, S.C. Code Ann. §48-1-340(1987), in that SDS knowingly reinstalled an inoperative CO monitor without its having been repaired.
12. SDS has violated the South Carolina Pollution Control Act, S.C. Code Ann. §48-1-340(1987), in that SDS knowingly rendered inaccurate a monitoring device by continuing to operate the incinerators, and the monitoring device, after its calibration gas canister had run empty.
13. SDS has violated the South Carolina Environmental Protection Fees Regulation, S.C. Code Ann. Regs. 61-30(C)(4)(Supp. 2000), in that SDS failed to pay its Title V permit fees for fiscal year 2001.
14. South Carolina Air Pollution Control Regulation, S.C. Code Ann. Regs. 61-62.70.6(a)(6)(I) authorizes the Department to initiate enforcement action to include revocation of the operating permit for

a violation of the Title V permit.

15. South Carolina Air Pollution Control Regulation, S.C. Code Ann. Regs. 61-62.70.6(a)(7) authorizes the Department to revoke a Title V permit for failure to pay applicable fees.

Infectious Waste

16. SDS has violated the South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-140 (Supp. 2000), in that SDS failed to comply with a procedure or requirement set forth in the regulations promulgated pursuant to S.C. Code Ann. §44-93-30 and described findings 29, 30, 44 and 46.

17. SDS has violated the South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-160(B)(2) (Supp. 2000), in that SDS failed to submit, not later than the tenth day of each month, to the Department of Health and Environmental Control a check made payable to the Department for the fee due for the preceding month.

18. The South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-40 (Supp. 2000), authorizes the Department to issue, deny, revoke, suspend, or modify registrations, permits, or orders under such conditions as it may prescribe for the operation of infectious waste treatment facilities or sites.

19. The South Carolina Infectious Waste Management Act, S.C. Code Ann. §44-93-160(B)(3) (Supp. 2000), authorizes the Department to revoke a permit to operate for failure to pay any fees, penalties, or interest required by law.

Solid Waste

20. The South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §44-96-300(B)(4), authorizes the Department to "deny a permit if it finds by a preponderance of the evidence that the applicant has... a documented history of violation of state or federal environmental laws such that the applicant's ability to operate within the law is questionable."

21. The South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §44-96-300(C)(4), authorizes the Department to consider "whether the applicant has substantially complied with this State's statutes, rules, regulations, permits, and orders applicable to the applicant in this State relative to the activity for which the permit is sought;" SDS has failed to operate this facility and the associated equipment in "substantial compliance" with the South Carolina Pollution Control Act S.C. Code Ann. §§48-1-10, *et seq.* (1976, as amended) and South Carolina Air Pollution Control regulations S.C. Code Ann. Regs. 61-62. The South Carolina Solid Waste Incineration and Solid Waste Pyrolysis regulations, S.C. Code Ann. Regs. 61-107.12, promulgated pursuant to the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §44-96-300 regulates associated solid waste activities which are "relative to the activity for which the permit is sought".

Environmental Protection Fees

22. The South Carolina Environmental Protection Fees Regulation, S.C. Code Ann. Regs. 61-30(C)(4) (Supp. 2000) promulgated pursuant to S.C. Code Ann. §48-2-10, states that construction permits or modifications, revisions or reissuance of an operating permit will not be issued for a facility that is in default of fees due under this regulation.

Penalties

23. Violation of Regulations 61-62, 61-105, and 61-107, violation of Consent Orders #93-037-A, #95-084-A, #98-034-A, and violations of Title V operating permit #TV-1280-0021 render SDS liable for civil penalties in accordance with S.C. Code Ann. Section 48-1-330.

IT IS THEREFORE ORDERED pursuant to the authority of S.C. Code Ann. §§48-1-50, (1987) and §§44-93-40, 50, (Supp. 2000), that SDS shall:

1. Immediately begin an orderly process for permanently closing the facility and achieve final

closure no later than sixty days from the effective date of this order.

2. Receive only shipments of waste which have already been manifested or are en route to the Hampton facility as of the date of this order. However, no waste shall be received more than seven days after the effective date of this order.

3. Allow no more than 40 loaded trailers on site at any time upon receipt of this Order.

4. Process all waste received in accordance with item 2 above no later than twenty-one (21) days after the effective date of this Order.

5. Remove from the Hampton facility all unprocessed waste, including any residue located on the inside of the incinerators, no later than twenty-one (21) days after the date of this Order.

6. Remove and properly dispose of all incinerator ash, bottom ash, and fly ash.
7. Remove, process, or properly dispose of all waste in the ram areas and on the floor under the loading bridges.
8. Under no circumstance use the tipper for emptying infectious waste trailers during closure activities.
9. Disinfect the tipper floor and loading bridges in accordance with S.C. Code Ann. Regs. 61-105 Section L.
10. Disinfect all trailers that have been unloaded.
11. Remove and properly dispose of all standing water from the sump area.
12. Ensure that no waste becomes putrescent or is stored for longer than 14 days.
13. Not operate as a transfer facility during closure activities.
14. Immediately and until closure is completed comply with the continuous emission monitoring requirements of Title V operating permit #1280-0021 and South Carolina Air Pollution Control Regulation 61-62.5, Standard 3.1 at all times during operation of the incinerators.
15. Immediately and until closure is completed comply with the operational interlock requirements of Title V operating permit #1280-0021 and South Carolina Air Pollution Control Regulation 61-62.5, Standard 3.1 at all times during operation of the incinerators.
16. Immediately and until closure is completed comply with the spark rate monitoring requirements of Title V operating permit #1280-0021 at all times during operation of the incinerators.

17. Submit within fifteen (15) days of the date of this Order the required quarterly and annual monitoring and compliance certifications required by Title V operating permit #1280-0021.

18. Immediately and until closure is completed operate and maintain the hopper fire suppression system to ensure that any fires or smoldering waste inside the hoppers or outside the incinerator units are extinguished immediately.

19. Immediately and until closure is completed operate and maintain the facility in compliance with all other applicable statutes, regulations, and requirements.

IT IS FURTHER ORDERED pursuant to the authority of S.C. Code Ann. §§48-1-50, (1987), §§44-93-40, 50 (Supp. 2000), and §§44-96-10, *et seq.* (Supp. 2000) that:

1. Based on the chronic noncompliance of this facility and failure of SDS to respond to the Department's attempts to bring SDS back into compliance, the Department has concluded that SDS has demonstrated that it cannot or will not comply with the provisions of its Title V permit, previously executed Consent Orders, and relevant regulatory requirements. As a result, the Department finds that cause exists to revoke SDS' Part 70 Air Quality Permit #TV-1280-0021, and revokes that permit, effective upon cessation of incineration activities at the facility, but no later than 21 days after the date of this Order
2. The Infectious Waste Treatment Permit for which SDS submitted an application to the Department on November 26, 1991, pursuant to §§44-93-40 and 44-93-160(B)(3), is hereby denied.
3. The Solid Waste Incineration permit for which SDS submitted an application to the Department on July 12, 2000, pursuant to S.C. Code Ann. Reg. 61-107.12, is hereby denied.

IT IS FURTHERMORE ORDERED pursuant to the authority of S.C. Code Ann. §§ 48-1-50, (1987) and §§44-93-40, 50, (Supp. 2000), that SDS shall:

1. Pay to the Department a civil penalty in the amount of two hundred twenty-six thousand dollars

(\$226,000.00), within thirty (30) days of the effective date of this Order.

2. Pay to the Department the past due Title V operating permit fee in the amount of two thousand one hundred seventy-eight dollars (\$2,178.00), within fifteen (15) days of the effective date of this Order.

3. Pay to the Department the past due infectious waste and inspector fees and associated penalties in the amount of three hundred thirty-seven thousand five hundred thirty-eight dollars and eleven cents (\$337,538.11), within fifteen (15) days of the effective date of this Order.

NOTICE IS HEREBY GIVEN TO SDS that in order to contest this Administrative Order, SDS must, pursuant to South Carolina Regulation 61-72 and the Rules of Procedure for the Administrative Law Judge Division, within fifteen (15) calendar days serve a request for a contested case hearing upon the Clerk of the Board of Health and Environmental Control. The request must contain the following:

- A. The name of the party requesting the hearing and the issue(s) for which the hearing is requested;**
- B. The caption or other information sufficient to identify the decision, Order, action or inaction which is the subject of the hearing; and**
- C. The relief requested.**

Any request for a contested case hearing must be filed with the Clerk of the Board, South Carolina Board of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

AND IT IS SO ORDERED.

**FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL**

By:
Columbia, South Carolina

Douglas E. Bryant
Commissioner

FOR THE DEPARTMENT

James A. Joy, III, Chief
Bureau of Air Quality

Hartsill Truesdale, Chief
Bureau of Land and Waste Management

DHEC Legal Counsel

BKB